

MEMO ENDORSED

BARRY, McTIERNAN & WEDINGER

COUNSELORS AT LAW
1024 AMBOY AVENUE
EDISON, NEW JERSEY 08837

RICHARD W. WEDINGER, ESQ.**
DIANA LAPADULA, ESQ.**
ANTHONY W. GUIDICE, ESQ.
SEAN M. CONNELLY, ESQ.
LAUREL WEDINGER-GYIMESI, ESQ.**

TEL: (732) 225-3510
FAX: (732) 225-3544

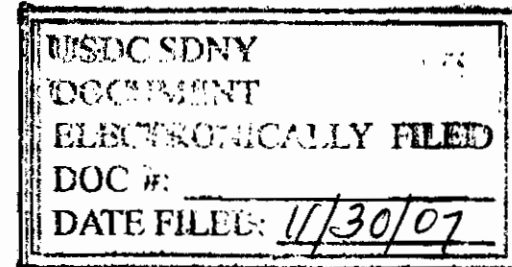
NEW YORK OFFICE
265 JOLINE AVE., SUITE A
STATEN ISLAND, NY 10307
(718)317-9000

**Admitted in New York and New Jersey

November 29, 2007

Via Facsimile: (212) 805-7930

Honorable James Francis
Suite 660 Courtroom 18D
United States Courthouse
500 Pearl Street
New York, New York 10007



RE: Paradi, et al v. Phillips
***Request to move before the end of the
extended discovery end date***
Case No.: 07 Civ. 3640 (VM) (JCF)
D/L: 2/25/07
Our File No.: MS-R10106

Dear Judge Francis:

The undersigned represents Defendant Michael Phillips, in his individual capacity sued for punitive damages, in the above referenced action. This letter is to request permission to move for a partial summary judgment only as to the punitive damage claims alleged against Defendant Phillips in the above referenced matter.

Immediately before this case was transferred to your Honor from Judge Marrero, the undersigned requested a pre-motion conference for a partial summary judgment for punitive damages claims, pursuant to Judge Marrero's individual rules of practice. Judge Marrero denied the said request stating that it was premature to make such a motion prior to the completion of discovery. Your honor agreed with the decision of Judge Marrero and advised this office to make a motion at the end of the discovery, which is December 31, 2007. However, on November 26, 2007, this office was informed by the Court that Plaintiff's request to extend the discovery end date was granted and the discovery deadline is now extended to March 31, 2008.

As mentioned above, this office is retained for Defendant Phillips, only in his individual capacity sued for punitive damages. For all other claims, he is represented by James Butler, Esq. at this juncture, in which all necessary discoveries in relation to the issues of punitive damages have been completed, the fact that my client has to wait until the new extended discovery end date would severely prejudice him by incurring more litigation expenses. Therefore, it is respectfully requested that Your Honor give this office a permission to move before the extended discovery end date.

I thank your Honor for your courtesies herein.

Very truly yours,
BARRY, McTIERNAN & WEDINGER

Richard Wedinger
Richard Wedinger, Esq.

MS-R10106/corres/CRT110807

cc: Mr. Michael Phillips
James D. Butler, Esq.
Michael V. Kaplen, Esq.

11/29/07

Application denied.
There is no efficiency
in a premature
dispositive motion.

SO ORDERED.

James C. Francis JR
JCF